

REMARKS

The present invention relates to compositions and methods for detecting mammalian muscle proteins and for distinguishing between mammalian muscle protein and avian muscle proteins in a sample, such as animal feed. The compositions are ligands, such as antibodies and polynucleotides; antigens for the production of ligands; and kits containing the ligands. The methods include assays that employ the ligands for the detection of mammalian muscle proteins. Claims 1-19 are pending. Support for the following remarks is found throughout the specification, and no new matter is introduced. In light of the following remarks, favorable consideration of the present application is respectfully requested.

Detailed Action

Applicants respectfully submit that the Office Action mailed May 4, 2005 is not directed to applicants' invention. Applicants have contacted the Examiner to discuss this matter and believe that the Examiner will be issuing a substitute Office Action. However, this Response is being submitted to ensure that the file history is clear.

The Office Action mailed May 4, 2005 correctly identifies the application serial number (10/789,433) and the inventors (Muldoon *et al.*), but incorrectly identifies the Art Unit as Art Unit 2824. Applicants respectfully submit that the correct Art Unit for the present application is Art Unit 1645 as recited on the filing receipt from the U.S. Patent Office dated May 26, 2004.

Applicants note that the Examiner discusses the status of the claims in the Office Action, however, this recited status does not correspond to the status of the present application. For example, the Examiner describes Claims 1-3 as cancelled and Claims 4-16 as pending. Applicants respectfully submit that, in the present application, Claims 1-19 are pending and no claims have been cancelled.

In addition, applicants submit that the substantive content of the Office Action mailed May 4, 2005 is directed to a memory device, which is unrelated to the subject matter of the present application. The subject matter of the present application is directed to ligands, antibodies, assays and methods of producing antibodies. Accordingly, applicants request a new Office Action for the present application.

Claim rejections under 35 U.S.C. §102(e)

In the Non-Final Office Action mailed May 4, 2005, the Examiner rejected Claims 11-12 under 35 U.S.C. §102(e), as anticipated by Chevallier (U.S. Patent No. 6,813,183; hereinafter “the ‘183 patent”). Applicants respectfully traverse the Examiner’s rejection for at least the following reasons.

Applicants respectfully submit that the ‘183 patent is directed to a memory device. As discussed above, the claims of the present application are **not** directed to a memory device, but is directed to ligands, antibodies, assays and methods of producing antibodies. Applicants conclude that the claimed subject matter is not anticipated by the ‘183 patent. Accordingly, applicants respectfully submit they have traversed the rejection under 35 U.S.C. §102(e) and request withdrawal thereof.

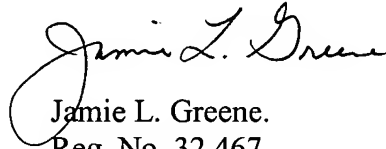
CONCLUSION

Based upon the amendments and remarks provided above, applicants believe that the pending claims are definite, novel and non-obvious. A Notice of Allowance is therefore respectfully solicited.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 11-0855.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 815-6500 is respectfully solicited.

Respectfully submitted,


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